

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION

JUAN MOLINA IV

§

*Plaintiff,*

§

vs.

CIVIL ACTION NO. 7:15-CV-00076

RUSSELL RYAN HUNTER AND ARK LA  
TEX WIRELINE SERVICES, LLC

JURY REQUESTED

*Defendant.*

§

---

NOTICE OF REMOVAL

---

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, ARK LA TEX WIRELINE SERVICES, LLC (“Defendant” or “Ark La Tex”), Defendant in the above-styled cause, and files this Notice of Removal of the present cause from the 118th Judicial District Court of Martin County, Texas in which it is now pending, to the United States District Court for the Western District of Texas, Midland-Odessa Division, showing the Court as follows:

**Procedural Background**

1. This cause was commenced in the 118th Judicial District Court of Martin County, Texas on April 17, 2015, when Plaintiff filed his Original Petition in Cause Number 6825; *Juan Molina IV v. Russell Ryan Hunter and Ark La Tex Wireline Services, LLC*. A copy of Plaintiff’s Original Petition is attached hereto and incorporated by reference for all purposes.

2. Ark La Tex was served with a copy of Plaintiff’s Original Petition on April 29, 2015.

3. This is a civil action for injuries and damages allegedly sustained by Plaintiff when he was struck by a truck driven by Defendant Russell Hunter. Plaintiff asserts claims against Defendant Russell Hunter for negligence and against Defendant Ark La Tex for respondeat superior.

4. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Martin County Clerk's file for this case is attached as Exhibit "B," which includes true and correct copies of all executed process, pleadings and orders, and a copy of Defendant's Original Answer. Attached hereto as Exhibit "C" is the Notice to District Clerk of Filing of Notice of Removal.

**Basis for Removal**

5. Plaintiff alleges in his Original Petition that he is a resident of Lamesa, Texas, and is therefore a citizen of Texas.

6. Defendant Russell Ryan Hunter is a resident of Shreveport, Louisiana, and is therefore a citizen of Louisiana. Hunter has not yet been served in this case.

7. Defendant Ark La Tex is a foreign corporation duly incorporated in the State of Delaware and has its principal place of business in Shreveport, Louisiana. Defendant Ark La Tex, therefore, is a citizen of both Delaware and Louisiana.

8. For purposes of federal removal jurisdiction pursuant to 28 U.S.C. § 1441, et seq., complete diversity of citizenship existed at the time this lawsuit was filed and now exists between the parties in the present cause.

9. In his Original Petition, Plaintiff alleges personal injury causes of action for injuries sustained to his right leg, lower back, hip, and spine in the accident. Plaintiff seeks

damages for past and future medical expenses, past and future pain and suffering, past mental anguish, past and future physical impairment, and past and future loss of earning capacity.

10. Paragraph XII of Plaintiff's Original Petition affirmatively states that he seeks monetary damages in the range prescribed by Texas Rule of Civil Procedure 47(c)(4), which corresponds to a range of \$200,000 to \$1,000,000. TEX. R. CIV. P. 47(c)(4). Therefore, Plaintiff has affirmatively pleaded that he is seeking recovery of damages within the jurisdictional limits of the United States District Court.

11. Venue is proper in this district under 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this district.

12. Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

13. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the service of Plaintiff's Original Petition on Defendant and within one year of the initial filing of the suit.

14. Pursuant to 28 U.S.C. § 1446(d), promptly after Ark La Tex files this Notice, written notice of the filing will be given to Plaintiff, the adverse party.

15. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the 118th District Court of Martin County, promptly after Ark La Tex files this Notice.

16. Defendants hereby request a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant ARK LA TEX WIRELINE SERVICES, LLC respectfully prays for removal of the above-entitled and numbered cause from the 118th Judicial District Court of Martin County, Texas to this Honorable Court.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ William R. Moye  
WILLIAM R. MOYE (Attorney-In-Charge)  
State Bar No. 24027553  
One Riverway, Suite 1400  
Houston, Texas 77056  
(713) 403-8210; Fax: (713) 403-8299  
wmoye@thompsoncoe.com

**ATTORNEYS FOR DEFENDANTS RUSSELL  
RYAN HUNTER and ARK LA TEX  
WIRELINE SERVICES, LLC**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been sent to all known counsel of record and/or parties of record via the EM/ECF System and via facsimile pursuant to the Texas Rules of Civil Procedure and the Federal Rules of Civil Procedure on the 28<sup>th</sup> day of May, 2015.

**Via EM/ECF and Facsimile**

Robert White  
Greta Fischer  
230 W 3rd St.  
Odessa, Texas 79761-5014  
*Counsel for Plaintiff*

/s/ William R. Moye

---

WILLIAM R. MOYE  
ANDREW J. MCCLUGGAGE